

STATE OF NEW HAMPSHIRE
WATER COUNCIL

Docket No. 06-08 WC

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JUL 31 2006

In Re: Section 401 Water Quality Certificate No. 2002-007
(Widening of I-93)

ASSENTED-TO MOTION TO RESCHEDULE PREHEARING CONFERENCE

NOW COMES the Appellant, Conservation Law Foundation, and respectfully states as follows:

1. By notice dated July 18, 2006, Appellant and Intervenor N.H. Department of Transportation were notified of a prehearing conference scheduled for August 21, 2006.
2. Counsel for Appellant is scheduled, pursuant to longstanding plans, to be out of the state during the weeks of August 14 and August 21, 2006.
3. Appellant therefore requests that the pre-hearing conference be scheduled to another date mutually convenient for the presiding officer and Intervenor.
4. Undersigned counsel has informed counsel for the Intervenor of the relief requested herein, to which counsel for the Intervenor assents.
5. Finally, the Council should be aware that Appellant and Intervenor have agreed to pursue mediation in an effort to resolve this appeal, as well as an action currently pending in federal court. It is anticipated that such mediation will occur either during the week of August 7 or in early September, depending on the availability of the parties' selected mediator.

WHEREFORE, Appellant respectfully requests that the Council:

A. Reschedule the prehearing conference to a mutually convenient date no earlier than August 28, 2006; and

B. Grant such other relief as it deems appropriate.

Respectfully submitted,

Conservation Law Foundation

By

Thomas R. Irvan

Conservation Law Foundation

27 North Main Street

Concord, NH 03301

603/225-3060

Date: July 28, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading has this day been mailed, via first class U.S. Mail, to Mark Hodgdon, Esq., and Edith Pacillo, Esq., counsel for the Intervenor, and to Jennifer J. Patterson, Esq.

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